

Proposed 2nd Substitute House Bill 1238 (H-1398.3/23)

House Appropriations Committee

By Representative Riccelli

Substitute House Bill (as recommended by the Education Committee):

- Requires school districts, beginning with the 2023-24 school year, to provide breakfast and lunch each school day to any requesting students and at no charge to the students.
- Makes the provision of meals at no charge to requesting students part of the state's statutory program of basic education, effective July 1, 2025.
- Requires all school districts, charter schools, and state-tribal compact schools to participate in federal school lunch and breakfast programs.
- Modifies funding provisions for the Learning Assistance Program and National Board Certification bonuses for the 2024-25 and 2025-26 school years.
- Directs the Office of the Superintendent of Public Instruction to convene a work group to identify and examine impacts to state-funded education programs resulting from requirements obligating school districts to provide meals at no charge to requesting students.

Proposed 2nd Substitute House Bill (H-1398.3/23) compared to the Substitute House Bill (as recommended by the Education Committee):

- Removes directives requiring school districts to provide breakfast and lunch without charge to all requesting students and instead requires school districts, beginning with the 2023-24 school year, to provide no-charge breakfasts and lunches at public schools in which: (1) educational services are provided to students in any of the grades of kindergarten through grade 5; and (2) 30 percent or more of the enrolled students meet federal eligibility requirements for free or reduced-price lunches.
- Removes provisions making the provision of the meals at no charge part of the state's program of basic education.
- Removes provisions mandating participation in the federal school lunch and breakfast programs by all school districts, charter schools, and state-tribal compact schools.
- Requires school districts, subject to funding provisions, to implement a school breakfast program in schools where more than 30 percent (instead of more than 40 percent) qualify for free or reduced-price meals.
- Removes a directive requiring the Office of the Superintendent of Public Instruction to convene a work group to identify and examine impacts to state-funded education programs resulting from requirements obligating school districts to provide meals at no charge to requesting students.
- Includes new intent language.
- Makes other conforming changes.

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1 AN ACT Relating to providing free school meals for all; amending
2 RCW 28A.150.260, 28A.150.260, and 28A.405.415; reenacting and
3 amending RCW 28A.235.160; adding a new section to chapter 28A.235
4 RCW; creating a new section; repealing RCW 28A.235.140; providing an
5 effective date; and providing an expiration date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that
8 adequate childhood nutrition is indispensable for proper
9 intellectual, academic, and social development. However, many
10 Washington families continue to face economic and other challenges
11 that impact students' ability to consistently access nutritional
12 meals that support their growth and well-being.

13 (2) The legislature has acknowledged the widespread but often
14 concealed harms of childhood hunger by enacting legislation in recent
15 years to address this issue. For example, in 2018, the legislature
16 established a breakfast after the bell program in high-needs schools,
17 in 2021, the legislature eliminated lunch copays for qualifying
18 students, and in 2022, the legislature expanded school participation
19 in the federal community eligibility provision, a program that
20 provides no-charge meals for all students at participating schools.

1 (3) These efforts and others have significantly increased student
2 access to meals provided without charge, but the problems of food
3 insecurity, with its lasting physiological and psychological harms,
4 remain a reality for too many families, too many schools, and too
5 many children.

6 (4) The legislature recognizes also that the myriad difficulties
7 of the COVID-19 pandemic uniquely impacted school districts and food
8 delivery systems. While the challenges of responding to the
9 unprecedented disruptions of a global pandemic continue to
10 reverberate in public schools, school districts, through hard work,
11 federal approvals, and appropriate financial supports, successfully
12 demonstrated their ability to provide meals without charge to all
13 requesting students. However, federal provisions permitting meals to
14 be served at no charge to all students during the school year have
15 expired, so the task of broadly responding to student meal needs has
16 returned to the states.

17 (5) Although childhood hunger persists, the legislature
18 recognizes that the state and school districts have the needed
19 infrastructure and ability to respond to the issue, including the
20 potential to access or leverage federal funds that may become
21 available for school meal programs. The legislature, therefore,
22 intends to continue its multiyear effort to eliminate hunger and food
23 insecurity within public schools by expanding the provision of meals
24 without charge to the state's youngest K-12 students.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.235
26 RCW to read as follows:

27 (1)(a) In accordance with (b) of this subsection, beginning with
28 the 2023-24 school year, each school district shall provide breakfast
29 and lunch each school day to any student who requests a breakfast,
30 lunch, or both. The school district must provide the meals at no
31 charge to the student and without consideration of the student's
32 eligibility for a federally reimbursed free or reduced-price meal.
33 Meals provided under this section must be nutritiously adequate and
34 qualify for federal reimbursement under the school lunch program or
35 the school breakfast program, and students are not eligible for more
36 than one meal in a meal service period.

37 (b) The requirements in (a) of this subsection apply to public
38 schools in which: Educational services are provided to students in
39 any of the grades of kindergarten through five; and 30 percent or

1 more of the enrolled students meet federal eligibility requirements
2 for free or reduced-price lunches.

3 (2) The office of the superintendent of public instruction shall
4 reimburse school districts on a per meal reimbursement basis for
5 meals that are not already reimbursed at the United States department
6 of agriculture's free rate. The additional state reimbursement amount
7 must be the difference between the United States department of
8 agriculture's free rate and the United States department of
9 agriculture's paid rate.

10 (3) School districts, in accordance with RCW 28A.235.160, may be
11 exempted from the requirements of this section.

12 (4) To maximize federal funding, school districts must continue
13 collecting free and reduced-price meal eligibility applications where
14 applicable and run direct certification at least monthly in
15 accordance with RCW 28A.235.280. School districts shall also annually
16 monitor data for eligibility in the United States department of
17 agriculture community eligibility provision and apply where eligible
18 as required in RCW 28A.235.300.

19 (5) For the purposes of this section, the following definitions
20 apply:

21 (a) "Public school" has the same meaning as in RCW 28A.150.010.

22 (b) "School breakfast program" has the same meaning as in RCW
23 28A.235.160.

24 (c) "School lunch program" has the same meaning as in RCW
25 28A.235.160.

26 (6) This section governs school operation and management under
27 RCW 28A.710.040 and 28A.715.020, and applies to charter schools
28 established under chapter 28A.710 RCW and state-tribal education
29 compact schools established under chapter 28A.715 RCW to the same
30 extent as it applies to school districts.

31 **Sec. 3.** RCW 28A.235.160 and 2021 c 74 s 2 are each reenacted and
32 amended to read as follows:

33 (1) For the purposes of this section:

34 (a) "Free or reduced-price lunch" means a lunch served by a
35 school district participating in the national school lunch program to
36 a student qualifying for national school lunch program benefits based
37 on family size-income criteria.

38 (b) "Lunch copay" means the amount a student who qualifies for a
39 reduced-price lunch is charged for a reduced-price lunch.

1 (c) "School breakfast program" means a program meeting federal
2 requirements defined in 42 U.S.C. Sec. 1773.

3 (d) "School lunch program" means a meal program meeting the
4 requirements defined ~~((by the superintendent of public instruction~~
5 ~~under subsection (2) (b) of this section))~~ in Title 42 U.S.C. Sec.
6 1751 et seq.

7 (e) "Severe-need school" means a school that qualifies for a
8 severe-need school reimbursement rate from federal funds for school
9 breakfasts served to children from low-income families.

10 (f) "Summer food service program" means a meal or snack program
11 meeting the requirements defined by the superintendent of public
12 instruction under subsection (4) of this section.

13 (2) School districts shall implement a school lunch program in
14 each public school in the district in which educational services are
15 provided to children in any of the grades of kindergarten through
16 four and in which ~~((twenty-five))~~ 25 percent or more of the enrolled
17 students qualify for a free or reduced-price lunch. In accordance
18 with section 2 of this act, school districts shall provide meals at
19 no charge to all requesting students at public schools that meet the
20 criteria established in section 2(1)(b) of this act. In developing
21 and implementing its school lunch program and school breakfast
22 program, each school district may consult with an advisory committee
23 including school staff, community members, and others appointed by
24 the board of directors of the district.

25 ~~((a) Applications to determine free or reduced-price lunch~~
26 ~~eligibility shall be distributed and collected for all households of~~
27 ~~children in schools containing any of the grades kindergarten through~~
28 ~~four and in which there are no United States department of~~
29 ~~agriculture child nutrition programs. The applications that are~~
30 ~~collected must be reviewed to determine eligibility for free or~~
31 ~~reduced-price lunches. Nothing in this section shall be construed to~~
32 ~~require completion or submission of the application by a parent or~~
33 ~~guardian.~~

34 ~~(b) Using the most current available school data on free and~~
35 ~~reduced-price lunch eligibility, the superintendent of public~~
36 ~~instruction shall adopt a schedule for implementation of school lunch~~
37 ~~programs at each school required to offer such a program under~~
38 ~~subsection (2) of this section as follows:~~

39 ~~(i) Schools not offering a school lunch program and in which~~
40 ~~twenty-five percent or more of the enrolled students are eligible for~~

~~free or reduced-price lunch shall implement a school lunch program not later than the second day of school in the 2005-06 school year and in each school year thereafter.~~

~~(ii) The superintendent shall establish minimum standards defining the lunch meals to be served, and such standards must be sufficient to qualify the meals for any available federal reimbursement.~~

~~(iii) Nothing in this section shall be interpreted to prevent a school from implementing a school lunch program earlier than the school is required to do so.))~~

(3) To the extent funds are appropriated for this purpose, each school district shall implement a school breakfast program in each school where more than ~~((forty))~~ 30 percent of students eligible to participate in the school lunch program qualify for free or reduced-price meal reimbursement ~~((by the school year 2005-06))~~. For the second year before the implementation of the district's school breakfast program, and for each subsequent school year, each school district shall submit data enabling the superintendent of public instruction to determine which schools within the district will qualify for this requirement. Schools where lunch programs start after the 2003-04 school year, where ~~((forty))~~ 30 percent of students qualify for free or reduced-price meals, must begin school breakfast programs the second year following the start of a lunch program.

(4) Each school district shall implement a summer food service program in each public school in the district in which a summer program of academic, enrichment, or remedial services is provided and in which 50 percent or more of the children enrolled in the school ~~((qualify))~~ meet federal eligibility requirements for free or reduced-price lunch. However, the superintendent of public instruction shall develop rules establishing criteria to permit an exemption for a school that can demonstrate availability of an adequate alternative summer feeding program. Sites providing meals should be open to all children in the area, unless a compelling case can be made to limit access to the program. The superintendent of public instruction shall adopt a definition of compelling case and a schedule for implementation as follows:

(a) Beginning the summer of 2005 if the school currently offers a school breakfast or lunch program; or

1 (b) Beginning the summer following the school year during which a
2 school implements a school lunch program under ~~((subsection (2) (b)-~~
3 ~~ef))~~) this section.

4 (5) Schools not offering a breakfast or lunch program may meet
5 the meal service requirements of subsections (2) ~~((b))~~ and (4) of
6 this section through any of the following:

7 (a) Preparing the meals on-site;

8 (b) Receiving the meals from another school that participates in
9 a United States department of agriculture child nutrition program; or

10 (c) Contracting with a nonschool entity that is a licensed food
11 service establishment under RCW 69.07.010.

12 (6) Requirements that school districts have a school lunch,
13 breakfast, or summer nutrition program under this section shall not
14 create or imply any state funding obligation for these costs. The
15 legislature does not intend to include these programs within the
16 state's obligation for basic education funding under Article IX of
17 the state Constitution.

18 (7) Beginning in the 2021-22 school year, school districts with
19 school lunch programs must eliminate lunch copays for students in
20 prekindergarten through 12th grade who qualify for reduced-price
21 lunches, and the superintendent of public instruction must allocate
22 funding for this purpose.

23 (8) The requirements in this section shall lapse if the federal
24 reimbursement for any school breakfasts, lunches, or summer food
25 service programs is eliminated.

26 (9) School districts may be exempted from the requirements of
27 this section and section 2 of this act by showing good cause why they
28 cannot comply with the office of the superintendent of public
29 instruction to the extent that such exemption is not in conflict with
30 federal or state law. The process and criteria by which school
31 districts ~~((are))~~ may be exempted shall be developed by rule and
32 revised if necessary by the office of the superintendent of public
33 instruction in consultation with representatives of school directors,
34 school food service, community-based organizations, ~~and ((the~~
35 ~~Washington state PTA))~~ a state organization of parents and teachers.

36 **Sec. 4.** RCW 28A.150.260 and 2022 c 109 s 3 are each amended to
37 read as follows:

38 The purpose of this section is to provide for the allocation of
39 state funding that the legislature deems necessary to support school

1 districts in offering the minimum instructional program of basic
2 education under RCW 28A.150.220. The allocation shall be determined
3 as follows:

4 (1) The governor shall and the superintendent of public
5 instruction may recommend to the legislature a formula for the
6 distribution of a basic education instructional allocation for each
7 common school district.

8 (2)(a) The distribution formula under this section shall be for
9 allocation purposes only. Except as may be required under subsections
10 (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155,
11 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,
12 nothing in this section requires school districts to use basic
13 education instructional funds to implement a particular instructional
14 approach or service. Nothing in this section requires school
15 districts to maintain a particular classroom teacher-to-student ratio
16 or other staff-to-student ratio or to use allocated funds to pay for
17 particular types or classifications of staff. Nothing in this section
18 entitles an individual teacher to a particular teacher planning
19 period.

20 (b) To promote transparency in state funding allocations, the
21 superintendent of public instruction must report state per-pupil
22 allocations for each school district for the general apportionment,
23 special education, learning assistance, transitional bilingual,
24 highly capable, and career and technical education programs. The
25 superintendent must report this information in a user-friendly format
26 on the main page of the office's website. School districts must
27 include a link to the superintendent's per-pupil allocations report
28 on the main page of the school district's website. In addition, the
29 budget documents published by the legislature for the enacted omnibus
30 operating appropriations act must report statewide average per-pupil
31 allocations for general apportionment and the categorical programs
32 listed in this subsection.

33 (3)(a) To the extent the technical details of the formula have
34 been adopted by the legislature and except when specifically provided
35 as a school district allocation, the distribution formula for the
36 basic education instructional allocation shall be based on minimum
37 staffing and nonstaff costs the legislature deems necessary to
38 support instruction and operations in prototypical schools serving
39 high, middle, and elementary school students as provided in this
40 section. The use of prototypical schools for the distribution formula

does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has (~~six hundred~~) 600 average annual full-time equivalent students in grades nine through (~~twelve~~) 12;

(ii) A prototypical middle school has (~~four hundred thirty-two~~) 432 average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has (~~four hundred~~) 400 average annual full-time equivalent students in grades kindergarten through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

| | General education average class size |
|----------------------|-----------------------------------------|
| Grades K-3. | 17.00 |
| Grade 4. | 27.00 |
| Grades 5-6. | 27.00 |
| Grades 7-8. | 28.53 |
| Grades 9-12. | 28.74 |

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through ~~((twelve))~~ 12 per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

| | Laboratory science average class size |
|----------------------|------------------------------------------|
| Grades 9-12. | 19.98 |

(b)(i) Beginning September 1, 2019, funding for average K-3 class sizes in this subsection (4) may be provided only to the extent of, and proportionate to, the school district's demonstrated actual class size in grades K-3, up to the funded class sizes.

(ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4)(b).

(c)(i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

| | Career and technical education average class size |
|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| Approved career and technical education offered at the middle school and high school level. | 23.00 |
| Skill center programs meeting the standards established by the office of the superintendent of public instruction. | 19.00 |

(ii) Funding allocated under this subsection (4)(c) is subject to RCW 28A.150.265.

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than ~~((fifty))~~ 50 percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for advanced placement and international baccalaureate courses.

(5)(a) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

| | Elementary School | Middle School | High School |
|----------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------|----------------|
| Principals, assistant principals, and other certificated building-level administrators..... | 1.253 | 1.353 | 1.880 |
| Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs..... | 0.663 | 0.519 | 0.523 |
| Teaching assistance, including any aspect of educational instructional services provided by classified employees..... | 0.936 | 0.700 | 0.652 |
| Office support and other noninstructional aides..... | 2.012 | 2.325 | 3.269 |
| Custodians..... | 1.657 | 1.942 | 2.965 |
| Nurses..... | 0.246 | 0.336 | 0.339 |
| Social workers..... | 0.132 | 0.033 | 0.052 |
| Psychologists..... | 0.046 | 0.009 | 0.021 |
| Counselors..... | 0.660 | 1.383 | 2.706 |
| Classified staff providing student and staff safety..... | 0.079 | 0.092 | 0.141 |
| Parent involvement coordinators..... | 0.0825 | 0.00 | 0.00 |

(b)(i) The superintendent may only allocate funding, up to the combined minimum allocations, for nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, and parent involvement coordinators under (a) and (c) of this subsection to the extent of and proportionate to a school district's demonstrated actual ratios of: Full-time equivalent physical, social, and emotional support staff to full-time equivalent students.

(ii) The superintendent must adopt rules to implement this subsection (5)(b) and the rules must require school districts to prioritize funding allocated as required by (b)(i) of this subsection for physical, social, and emotional support staff who hold a valid educational staff associate certificate appropriate for the staff's role.

(iii) For the purposes of this subsection (5)(b), "physical, social, and emotional support staff" include nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, parent involvement coordinators, and other school district employees and contractors who provide physical, social, and emotional support to students as defined by the superintendent.

(c) For the 2023-24 school year, in addition to the minimum allocation under (a) of this subsection, the following additional staffing units for each level of prototypical school will be provided:

| | Elementary School | Middle School | High School |
|---------------------|----------------------|------------------|----------------|
| Nurses..... | 0.170 | 0.276 | 0.243 |
| Social workers..... | 0.090 | 0.027 | 0.037 |
| Psychologists..... | 0.029 | 0.007 | 0.014 |
| Counselors..... | 0.167 | 0.167 | 0.176 |

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

| | Staff per 1,000 K-12 students |
|-----------------------------------------------|----------------------------------|
| Technology. | 0.628 |
| Facilities, maintenance, and grounds. | 1.813 |
| Warehouse, laborers, and mechanics. | 0.332 |

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following

materials, supplies, and operating costs as provided in the 2017-18 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

| | Per annual average full-time equivalent student in grades K-12 |
|------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Technology. | \$130.76 |
| Utilities and insurance. | \$355.30 |
| Curriculum and textbooks. | \$140.39 |
| Other supplies | \$278.05 |
| Library materials. | \$20.00 |
| Instructional professional development for certificated and classified staff. | \$21.71 |
| Facilities maintenance. | \$176.01 |
| Security and central office administration. | \$121.94 |

(b) In addition to the amounts provided in (a) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time equivalent student in grades nine through ~~((twelve))~~ 12 for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

| | Per annual average full-time equivalent student in grades 9-12 |
|------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Technology. | \$36.35 |
| Curriculum and textbooks. | \$39.02 |
| Other supplies | \$77.28 |
| Library materials. | \$5.56 |
| Instructional professional development for certificated and classified staff. | \$6.04 |

(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

(a) Exploratory career and technical education courses for students in grades seven through ~~((twelve))~~ 12;

1 (b) Preparatory career and technical education courses for
2 students in grades nine through ~~((twelve))~~ 12 offered in a high
3 school; and

4 (c) Preparatory career and technical education courses for
5 students in grades ~~((eleven))~~ 11 and ~~((twelve))~~ 12 offered through a
6 skill center.

7 (10) In addition to the allocations otherwise provided under this
8 section, amounts shall be provided to support the following programs
9 and services:

10 (a)(i) To provide supplemental instruction and services for
11 students who are not meeting academic standards through the learning
12 assistance program under RCW 28A.165.005 through 28A.165.065,
13 allocations shall be based on the greater of either: The district
14 percentage of students in kindergarten through grade ~~((twelve))~~ 12
15 who were eligible for free or reduced-price meals for the school year
16 immediately preceding the district's participation, in whole or part,
17 in the United States department of agriculture's community
18 eligibility provision, or the district percentage of students in
19 grades K-12 who were eligible for free or reduced-price meals in the
20 prior school year. The minimum allocation for the program shall,
21 except as provided in (a)(iii) of this subsection, provide for each
22 level of prototypical school resources to provide, on a statewide
23 average, 2.3975 hours per week in extra instruction with a class size
24 of ~~((fifteen))~~ 15 learning assistance program students per teacher.

25 (ii) In addition to funding allocated under (a)(i) of this
26 subsection, to provide supplemental instruction and services for
27 students who are not meeting academic standards in qualifying
28 schools. A qualifying school, except as provided in (a)(iv) of this
29 subsection, means a school in which the three-year rolling average of
30 the prior year total annual average enrollment that qualifies for
31 free or reduced-price meals equals or exceeds ~~((fifty))~~ 50 percent or
32 more of its total annual average enrollment. A school continues to
33 meet the definition of a qualifying school if the school:
34 Participates in the United States department of agriculture's
35 community eligibility provision; and met the definition of a
36 qualifying school in the year immediately preceding their
37 participation. The minimum allocation for this additional high
38 poverty-based allocation must provide for each level of prototypical
39 school resources to provide, on a statewide average, 1.1 hours per
40 week in extra instruction with a class size of ~~((fifteen))~~ 15

1 learning assistance program students per teacher, under RCW
2 28A.165.055, school districts must distribute the high poverty-based
3 allocation to the schools that generated the funding allocation.

4 (iii) For the 2024-25 and 2025-26 school years, allocations under
5 (a)(i) of this subsection for school districts not participating, in
6 whole or in part, in the United States department of agriculture's
7 community eligibility provision shall be based on the school district
8 percentage of students in grades K-12 who were eligible for free or
9 reduced-price meals in school years 2019-20 through 2022-23 or the
10 prior school year, whichever is greatest.

11 (iv) For the 2024-25 and 2025-26 school years, a school not
12 participating in the department of agriculture's community
13 eligibility provision continues to meet the definition of a
14 qualifying school under (a)(ii) of this subsection if the school met
15 the definition during one year of the 2019-20 through 2022-23 school
16 years, or in the prior school year.

17 (b) (i) To provide supplemental instruction and services for
18 students whose primary language is other than English, allocations
19 shall be based on the head count number of students in each school
20 who are eligible for and enrolled in the transitional bilingual
21 instruction program under RCW 28A.180.010 through 28A.180.080. The
22 minimum allocation for each level of prototypical school shall
23 provide resources to provide, on a statewide average, 4.7780 hours
24 per week in extra instruction for students in grades kindergarten
25 through six and 6.7780 hours per week in extra instruction for
26 students in grades seven through ~~((twelve))~~ 12, with ~~((fifteen))~~ 15
27 transitional bilingual instruction program students per teacher.
28 Notwithstanding other provisions of this subsection (10), the actual
29 per-student allocation may be scaled to provide a larger allocation
30 for students needing more intensive intervention and a commensurate
31 reduced allocation for students needing less intensive intervention,
32 as detailed in the omnibus appropriations act.

33 (ii) To provide supplemental instruction and services for
34 students who have exited the transitional bilingual program,
35 allocations shall be based on the head count number of students in
36 each school who have exited the transitional bilingual program within
37 the previous two years based on their performance on the English
38 proficiency assessment and are eligible for and enrolled in the
39 transitional bilingual instruction program under RCW
40 28A.180.040(1)(g). The minimum allocation for each prototypical

1 school shall provide resources to provide, on a statewide average,
2 3.0 hours per week in extra instruction with ((fifteen)) 15 exited
3 students per teacher.

4 (c) To provide additional allocations to support programs for
5 highly capable students under RCW 28A.185.010 through 28A.185.030,
6 allocations shall be based on 5.0 percent of each school district's
7 full-time equivalent basic education enrollment. The minimum
8 allocation for the programs shall provide resources to provide, on a
9 statewide average, 2.1590 hours per week in extra instruction with
10 fifteen highly capable program students per teacher.

11 (11) The allocations under subsections (4)(a), (5), (6), and (8)
12 of this section shall be enhanced as provided under RCW 28A.150.390
13 on an excess cost basis to provide supplemental instructional
14 resources for students with disabilities.

15 (12)(a) For the purposes of allocations for prototypical high
16 schools and middle schools under subsections (4) and (10) of this
17 section that are based on the percent of students in the school who
18 are eligible for free and reduced-price meals, the actual percent of
19 such students in a school shall be adjusted by a factor identified in
20 the omnibus appropriations act to reflect underreporting of free and
21 reduced-price meal eligibility among middle and high school students.

22 (b) Allocations or enhancements provided under subsections (4),
23 (7), and (9) of this section for exploratory and preparatory career
24 and technical education courses shall be provided only for courses
25 approved by the office of the superintendent of public instruction
26 under chapter 28A.700 RCW.

27 (13)(a) This formula for distribution of basic education funds
28 shall be reviewed biennially by the superintendent and governor. The
29 recommended formula shall be subject to approval, amendment or
30 rejection by the legislature.

31 (b) In the event the legislature rejects the distribution formula
32 recommended by the governor, without adopting a new distribution
33 formula, the distribution formula for the previous school year shall
34 remain in effect.

35 (c) The enrollment of any district shall be the annual average
36 number of full-time equivalent students and part-time students as
37 provided in RCW 28A.150.350, enrolled on the first school day of each
38 month, including students who are in attendance pursuant to RCW
39 28A.335.160 and 28A.225.250 who do not reside within the servicing
40 school district. The definition of full-time equivalent student shall

1 be determined by rules of the superintendent of public instruction
2 and shall be included as part of the superintendent's biennial budget
3 request. The definition shall be based on the minimum instructional
4 hour offerings required under RCW 28A.150.220. Any revision of the
5 present definition shall not take effect until approved by the house
6 ways and means committee and the senate ways and means committee.

7 (d) The office of financial management shall make a monthly
8 review of the superintendent's reported full-time equivalent students
9 in the common schools in conjunction with RCW 43.62.050.

10 **Sec. 5.** RCW 28A.150.260 and 2022 c 109 s 4 are each amended to
11 read as follows:

12 The purpose of this section is to provide for the allocation of
13 state funding that the legislature deems necessary to support school
14 districts in offering the minimum instructional program of basic
15 education under RCW 28A.150.220. The allocation shall be determined
16 as follows:

17 (1) The governor shall and the superintendent of public
18 instruction may recommend to the legislature a formula for the
19 distribution of a basic education instructional allocation for each
20 common school district.

21 (2)(a) The distribution formula under this section shall be for
22 allocation purposes only. Except as may be required under subsections
23 (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155,
24 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,
25 nothing in this section requires school districts to use basic
26 education instructional funds to implement a particular instructional
27 approach or service. Nothing in this section requires school
28 districts to maintain a particular classroom teacher-to-student ratio
29 or other staff-to-student ratio or to use allocated funds to pay for
30 particular types or classifications of staff. Nothing in this section
31 entitles an individual teacher to a particular teacher planning
32 period.

33 (b) To promote transparency in state funding allocations, the
34 superintendent of public instruction must report state per-pupil
35 allocations for each school district for the general apportionment,
36 special education, learning assistance, transitional bilingual,
37 highly capable, and career and technical education programs. The
38 superintendent must report this information in a user-friendly format
39 on the main page of the office's website. School districts must

1 include a link to the superintendent's per-pupil allocations report
2 on the main page of the school district's website. In addition, the
3 budget documents published by the legislature for the enacted omnibus
4 operating appropriations act must report statewide average per-pupil
5 allocations for general apportionment and the categorical programs
6 listed in this subsection.

7 (3)(a) To the extent the technical details of the formula have
8 been adopted by the legislature and except when specifically provided
9 as a school district allocation, the distribution formula for the
10 basic education instructional allocation shall be based on minimum
11 staffing and nonstaff costs the legislature deems necessary to
12 support instruction and operations in prototypical schools serving
13 high, middle, and elementary school students as provided in this
14 section. The use of prototypical schools for the distribution formula
15 does not constitute legislative intent that schools should be
16 operated or structured in a similar fashion as the prototypes.
17 Prototypical schools illustrate the level of resources needed to
18 operate a school of a particular size with particular types and grade
19 levels of students using commonly understood terms and inputs, such
20 as class size, hours of instruction, and various categories of school
21 staff. It is the intent that the funding allocations to school
22 districts be adjusted from the school prototypes based on the actual
23 number of annual average full-time equivalent students in each grade
24 level at each school in the district and not based on the grade-level
25 configuration of the school to the extent that data is available. The
26 allocations shall be further adjusted from the school prototypes with
27 minimum allocations for small schools and to reflect other factors
28 identified in the omnibus appropriations act.

29 (b) For the purposes of this section, prototypical schools are
30 defined as follows:

31 (i) A prototypical high school has (~~((six hundred))~~) 600 average
32 annual full-time equivalent students in grades nine through
33 (~~((twelve))~~) 12;

34 (ii) A prototypical middle school has (~~((four hundred thirty-two))~~)
35 432 average annual full-time equivalent students in grades seven and
36 eight; and

37 (iii) A prototypical elementary school has (~~((four hundred))~~) 400
38 average annual full-time equivalent students in grades kindergarten
39 through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

| | General education average class size |
|----------------------|-----------------------------------------|
| Grades K-3. | 17.00 |
| Grade 4. | 27.00 |
| Grades 5-6. | 27.00 |
| Grades 7-8. | 28.53 |
| Grades 9-12. | 28.74 |

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through ~~((twelve))~~ 12 per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

| | Laboratory science average class size |
|----------------------|------------------------------------------|
| Grades 9-12. | 19.98 |

(b)(i) Beginning September 1, 2019, funding for average K-3 class sizes in this subsection (4) may be provided only to the extent of, and proportionate to, the school district's demonstrated actual class size in grades K-3, up to the funded class sizes.

(ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4)(b).

(c)(i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

| Career and technical education average |
|-------------------------------------------|
|-------------------------------------------|

1 class size

2 Approved career and technical education offered at

3 the middle school and high school level. 23.00

4 Skill center programs meeting the standards established

5 by the office of the superintendent of public

6 instruction. 19.00

7 (ii) Funding allocated under this subsection (4)(c) is subject to

8 RCW 28A.150.265.

9 (d) In addition, the omnibus appropriations act shall at a

10 minimum specify:

11 (i) A high-poverty average class size in schools where more than

12 ((fifty)) 50 percent of the students are eligible for free and

13 reduced-price meals; and

14 (ii) A specialty average class size for advanced placement and

15 international baccalaureate courses.

16 (5)(a) The minimum allocation for each level of prototypical

17 school shall include allocations for the following types of staff in

18 addition to classroom teachers:

| | Elementary | Middle | High |
|------------------------------------------------------------------------------------|------------|--------|--------|
| | School | School | School |
| 21 Principals, assistant principals, and other certificated building-level | | | |
| 22 administrators. | 1.253 | 1.353 | 1.880 |
| 23 Teacher-librarians, a function that includes information literacy, technology, | | | |
| 24 and media to support school library media programs. | 0.663 | 0.519 | 0.523 |
| 25 Teaching assistance, including any aspect of educational instructional services | | | |
| 26 provided by classified employees. | 0.936 | 0.700 | 0.652 |
| 27 Office support and other noninstructional aides. | 2.012 | 2.325 | 3.269 |
| 28 Custodians. | 1.657 | 1.942 | 2.965 |
| 29 Nurses. | 0.585 | 0.888 | 0.824 |
| 30 Social workers. | 0.311 | 0.088 | 0.127 |
| 31 Psychologists. | 0.104 | 0.024 | 0.049 |
| 32 Counselors. | 0.993 | 1.716 | 3.039 |
| 33 Classified staff providing student and staff safety. | 0.079 | 0.092 | 0.141 |
| 34 Parent involvement coordinators. | 0.0825 | 0.00 | 0.00 |

35 (b) (i) The superintendent may only allocate funding, up to the

36 combined minimum allocations, for nurses, social workers,

psychologists, counselors, classified staff providing student and staff safety, and parent involvement coordinators under (a) of this subsection to the extent of and proportionate to a school district's demonstrated actual ratios of: Full-time equivalent physical, social, and emotional support staff to full-time equivalent students.

(ii) The superintendent must adopt rules to implement this subsection (5)(b) and the rules must require school districts to prioritize funding allocated as required by (b)(i) of this subsection for physical, social, and emotional support staff who hold a valid educational staff associate certificate appropriate for the staff's role.

(iii) For the purposes of this subsection (5)(b), "physical, social, and emotional support staff" include nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, parent involvement coordinators, and other school district employees and contractors who provide physical, social, and emotional support to students as defined by the superintendent.

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

| | Staff per 1,000 K-12 students |
|-----------------------------------------------|----------------------------------|
| Technology. | 0.628 |
| Facilities, maintenance, and grounds. | 1.813 |
| Warehouse, laborers, and mechanics. | 0.332 |

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs as provided in the 2017-18

1 school year, after which the allocations shall be adjusted annually
2 for inflation as specified in the omnibus appropriations act:

| | Per annual average full-time equivalent student in grades K-12 |
|---------------------------------------------------------------|----------------------------------------------------------------------|
| 3 Technology. | \$130.76 |
| 4 Utilities and insurance. | \$355.30 |
| 5 Curriculum and textbooks. | \$140.39 |
| 6 Other supplies | \$278.05 |
| 7 Library materials. | \$20.00 |
| 8 Instructional professional development for certificated and | |
| 9 classified staff. | \$21.71 |
| 10 Facilities maintenance. | \$176.01 |
| 11 Security and central office administration. | \$121.94 |

12 (b) In addition to the amounts provided in (a) of this
13 subsection, beginning in the 2014-15 school year, the omnibus
14 appropriations act shall provide the following minimum allocation for
15 each annual average full-time equivalent student in grades nine
16 through ~~((twelve))~~ 12 for the following materials, supplies, and
17 operating costs, to be adjusted annually for inflation:

| | Per annual average full-time equivalent student in grades 9-12 |
|----------------------------------------------------------------|----------------------------------------------------------------------|
| 18 Technology. | \$36.35 |
| 19 Curriculum and textbooks. | \$39.02 |
| 20 Other supplies | \$77.28 |
| 21 Library materials. | \$5.56 |
| 22 Instructional professional development for certificated and | |
| 23 classified staff. | \$6.04 |

24 (9) In addition to the amounts provided in subsection (8) of this
25 section and subject to RCW 28A.150.265, the omnibus appropriations
26 act shall provide an amount based on full-time equivalent student
27 enrollment in each of the following:

28 (a) Exploratory career and technical education courses for
29 students in grades seven through ~~((twelve))~~ 12;

30 (b) Preparatory career and technical education courses for
31 students in grades nine through ~~((twelve))~~ 12 offered in a high
32 school; and
33

1 (c) Preparatory career and technical education courses for
2 students in grades ~~((eleven))~~ 11 and ~~((twelve))~~ 12 offered through a
3 skill center.

4 (10) In addition to the allocations otherwise provided under this
5 section, amounts shall be provided to support the following programs
6 and services:

7 (a)(i) To provide supplemental instruction and services for
8 students who are not meeting academic standards through the learning
9 assistance program under RCW 28A.165.005 through 28A.165.065,
10 allocations shall be based on the greater of either: The district
11 percentage of students in kindergarten through grade ~~((twelve))~~ 12
12 who were eligible for free or reduced-price meals for the school year
13 immediately preceding the district's participation, in whole or part,
14 in the United States department of agriculture's community
15 eligibility provision, or the district percentage of students in
16 grades K-12 who were eligible for free or reduced-price meals in the
17 prior school year. The minimum allocation for the program shall,
18 except as provided in (a)(iii) of this subsection, provide for each
19 level of prototypical school resources to provide, on a statewide
20 average, 2.3975 hours per week in extra instruction with a class size
21 of ~~((fifteen))~~ 15 learning assistance program students per teacher.

22 (ii) In addition to funding allocated under (a)(i) of this
23 subsection, to provide supplemental instruction and services for
24 students who are not meeting academic standards in qualifying
25 schools. A qualifying school, except as provided in (a)(iv) of this
26 subsection, means a school in which the three-year rolling average of
27 the prior year total annual average enrollment that qualifies for
28 free or reduced-price meals equals or exceeds ~~((fifty))~~ 50 percent or
29 more of its total annual average enrollment. A school continues to
30 meet the definition of a qualifying school if the school:
31 Participates in the United States department of agriculture's
32 community eligibility provision; and met the definition of a
33 qualifying school in the year immediately preceding their
34 participation. The minimum allocation for this additional high
35 poverty-based allocation must provide for each level of prototypical
36 school resources to provide, on a statewide average, 1.1 hours per
37 week in extra instruction with a class size of ~~((fifteen))~~ 15
38 learning assistance program students per teacher, under RCW
39 28A.165.055, school districts must distribute the high poverty-based
40 allocation to the schools that generated the funding allocation.

1 (iii) For the 2024-25 and 2025-26 school years, allocations under
2 (a)(i) of this subsection for school districts not participating, in
3 whole or in part, in the United States department of agriculture's
4 community eligibility provision shall be based on the school district
5 percentage of students in grades K-12 who were eligible for free or
6 reduced-price meals in school years 2019-20 through 2022-23 or the
7 prior school year, whichever is greatest.

8 (iv) For the 2024-25 and 2025-26 school years, a school not
9 participating in the department of agriculture's community
10 eligibility provision continues to meet the definition of a
11 qualifying school under (a)(ii) of this subsection if the school met
12 the definition during one year of the 2019-20 through 2022-23 school
13 years, or in the prior school year.

14 (b)(i) To provide supplemental instruction and services for
15 students whose primary language is other than English, allocations
16 shall be based on the head count number of students in each school
17 who are eligible for and enrolled in the transitional bilingual
18 instruction program under RCW 28A.180.010 through 28A.180.080. The
19 minimum allocation for each level of prototypical school shall
20 provide resources to provide, on a statewide average, 4.7780 hours
21 per week in extra instruction for students in grades kindergarten
22 through six and 6.7780 hours per week in extra instruction for
23 students in grades seven through ~~((twelve))~~ 12, with ~~((fifteen))~~ 15
24 transitional bilingual instruction program students per teacher.
25 Notwithstanding other provisions of this subsection (10), the actual
26 per-student allocation may be scaled to provide a larger allocation
27 for students needing more intensive intervention and a commensurate
28 reduced allocation for students needing less intensive intervention,
29 as detailed in the omnibus appropriations act.

30 (ii) To provide supplemental instruction and services for
31 students who have exited the transitional bilingual program,
32 allocations shall be based on the head count number of students in
33 each school who have exited the transitional bilingual program within
34 the previous two years based on their performance on the English
35 proficiency assessment and are eligible for and enrolled in the
36 transitional bilingual instruction program under RCW
37 28A.180.040(1)(g). The minimum allocation for each prototypical
38 school shall provide resources to provide, on a statewide average,
39 3.0 hours per week in extra instruction with ~~((fifteen))~~ 15 exited
40 students per teacher.

1 (c) To provide additional allocations to support programs for
2 highly capable students under RCW 28A.185.010 through 28A.185.030,
3 allocations shall be based on 5.0 percent of each school district's
4 full-time equivalent basic education enrollment. The minimum
5 allocation for the programs shall provide resources to provide, on a
6 statewide average, 2.1590 hours per week in extra instruction with
7 fifteen highly capable program students per teacher.

8 (11) The allocations under subsections (4)(a), (5), (6), and (8)
9 of this section shall be enhanced as provided under RCW 28A.150.390
10 on an excess cost basis to provide supplemental instructional
11 resources for students with disabilities.

12 (12)(a) For the purposes of allocations for prototypical high
13 schools and middle schools under subsections (4) and (10) of this
14 section that are based on the percent of students in the school who
15 are eligible for free and reduced-price meals, the actual percent of
16 such students in a school shall be adjusted by a factor identified in
17 the omnibus appropriations act to reflect underreporting of free and
18 reduced-price meal eligibility among middle and high school students.

19 (b) Allocations or enhancements provided under subsections (4),
20 (7), and (9) of this section for exploratory and preparatory career
21 and technical education courses shall be provided only for courses
22 approved by the office of the superintendent of public instruction
23 under chapter 28A.700 RCW.

24 (13)(a) This formula for distribution of basic education funds
25 shall be reviewed biennially by the superintendent and governor. The
26 recommended formula shall be subject to approval, amendment or
27 rejection by the legislature.

28 (b) In the event the legislature rejects the distribution formula
29 recommended by the governor, without adopting a new distribution
30 formula, the distribution formula for the previous school year shall
31 remain in effect.

32 (c) The enrollment of any district shall be the annual average
33 number of full-time equivalent students and part-time students as
34 provided in RCW 28A.150.350, enrolled on the first school day of each
35 month, including students who are in attendance pursuant to RCW
36 28A.335.160 and 28A.225.250 who do not reside within the servicing
37 school district. The definition of full-time equivalent student shall
38 be determined by rules of the superintendent of public instruction
39 and shall be included as part of the superintendent's biennial budget
40 request. The definition shall be based on the minimum instructional

1 hour offerings required under RCW 28A.150.220. Any revision of the
2 present definition shall not take effect until approved by the house
3 ways and means committee and the senate ways and means committee.

4 (d) The office of financial management shall make a monthly
5 review of the superintendent's reported full-time equivalent students
6 in the common schools in conjunction with RCW 43.62.050.

7 **Sec. 6.** RCW 28A.405.415 and 2020 c 288 s 5 are each amended to
8 read as follows:

9 (1) Certificated instructional staff who have attained
10 certification from the national board for professional teaching
11 standards shall receive a bonus each year in which they maintain the
12 certification. The bonus shall be calculated as follows: The annual
13 bonus shall be (~~((five thousand dollars))~~) \$5,000 in the 2007-08 school
14 year. Thereafter, the annual bonus shall increase by inflation,
15 except that the bonus shall not be increased during the 2013-14 and
16 2014-15 school years.

17 (2)(a) Certificated instructional staff who have attained
18 certification from the national board for professional teaching
19 standards shall be eligible for bonuses in addition to that provided
20 by subsection (1) of this section if the individual is in an
21 instructional assignment in a school in which at least (~~((seventy))~~) 70
22 percent of the students qualify for the free and reduced-price lunch
23 program.

24 (b) An individual is eligible for bonuses authorized under this
25 subsection (2) if he or she is in an instructional assignment in a
26 school that meets the definition of high poverty school as defined in
27 rule by the office of the superintendent of public instruction in the
28 school year immediately preceding the school's participation in the
29 United States department of agriculture's community eligibility
30 provision.

31 (c) For the 2024-25 and 2025-26 school years, individuals are
32 eligible for bonuses under this subsection if they are in an
33 instructional assignment in a school that met the definition of high
34 poverty school as defined in rule by the office of the superintendent
35 of public instruction during the 2022-23 school year.

36 (3) The amount of the additional bonus under subsection (2) of
37 this section for those meeting the qualifications of subsection (2)
38 of this section is (~~((five thousand dollars))~~) \$5,000.

1 (4) The bonuses provided under this section are in addition to
2 compensation received under a district's salary schedule adopted in
3 accordance with RCW 28A.405.200 and shall not be included in
4 calculations of a district's average salary and associated salary
5 limitations under RCW 28A.400.200.

6 (5) The bonuses provided under this section shall be paid in a
7 lump sum amount.

8 NEW SECTION. **Sec. 7.** RCW 28A.235.140 (School breakfast
9 programs) and 1993 c 333 s 1 & 1989 c 239 s 2 are each repealed.

10 NEW SECTION. **Sec. 8.** If specific funding for the purposes of
11 this act, referencing this act by bill or chapter number, is not
12 provided by June 30, 2023, in the omnibus appropriations act, this
13 act is null and void.

14 NEW SECTION. **Sec. 9.** Section 4 of this act expires September 1,
15 2024.

16 NEW SECTION. **Sec. 10.** Section 5 of this act takes effect
17 September 1, 2024.

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